Mr. President : The question before the House is that the Government be granted a sum of Rs. 1,500 under "33-Industries—Direction and Inspection—Travelling Allowance".

Demand put and carried.

XXXVII—33.—Reserved Miscellaneous

Mr. C. R. Iyyunni *(Minister for Revenue)*: I rise to move for an additional allotment of Rs. 500 under "33—Reserved—Miscellanceous". The object of this demand is given in the note.

Mr. President : The question is that Government be granted a sum of Rs. 500 under "33—Reserved—Miscellaneous ".

Demand put and carried.

38. 41—Miscelleneous

Mr. C. R. Iyyunni *(Minister for Revenue))*: I move for an additional allotment of Rs. 649 under '41-Miscellaneous—8-Rent Control Measures—Establishment". The note will explain the object of the demand.

Mr. President : There is a cut by Mr. P. Kumaran Ezhuthassan.

Mr. P. Govinda Menon *(Minister for Food and Education):* Sir, I rise on a point of order that in these motions many of the cut motions now standing in the order paper are not in order and especially the one standing against this cut. I am not raising this question because there is any attempt to stifle discussion but any attempt to fritter away the time of the House should be avoided and that is why I raised this question. The cut motion has been tabled in order to raise a debate on certain aspects of Rent Control Measures. Such a general point cannot be raised when a demand for supplementary grant is made. That is a point of order I wish to make, and the matter is covered by a previous ruling by the President of this House and that ruling clearly lays down what ought to be the scope of a cut motion when a demand for supplementary grant is made. I may at this stage point out that going by the rules and standing orders there is not even a provision to move a cut motion when a supplementary demand is made. But then it has been the convention here to do it and the restricted scope under which that convention operates is laid down in the previous ruling which I referred to, whereby a cut motion may not be moved to elicit information. It has been laid down for example that a cut motion can raise only a financial question and the policy underlying that matter. Under these circumstances I would request the Chair and especially in view of the large agenda before the House to strictly apply the rules and conventions applicable to cut motions when demands for supplementary grants are made.

Mr. President : What is the previous ruling ?

Mr. P. Govinda Menon *(Minister for Food and Education):* The previous ruling which I referred to is this, Sir. It was a ruling made again by Sir Shanmukham Chetty.

Mr. President : I should like to make an observation regarding the scope of supplementary grants.

I find on the order paper various cut motions. Take for instance, the very first cut motion—to impress upon the Government certain facts. And secondly, there is a motion to ascertain from the Government some information regarding the purchase of Rails, etc. If that were all the object of the Hon'ble Members, it is not necessary to put down the cut motion at all. After a supplementary demand is moved, it is open to any Hon'ble Member to get up and make his own observations on points arising out of a supplementary demand. Therefore, for the purpose of merely asking information from Government, Hon'ble Members need not take the trouble of tabling cut motions.

I wish to make another observation which I have to make in view of item 6 which stands in the name of Mr. Ibrahim who wants to discuss certain irregularities in the recent elections to the Legislative Council. A motion of that nature is entirely out of order on a supplementary demand.

I wish to read out to Hon'ble Members an important ruling that was given on the scope of supplementary demand in the Legislative Assembly.

" A token cut was proposed under a Supplementary Grant and objection being raised on the ground that general questions of policy could not be raised on a supplementary demand :

The President ruled: 'In view of a large number of cuts that have been put down on these Supplementary Grants,' I have taken some trouble to examine the question and I invite the attention of the House to a summary of the position as stated in May's 'Parliamentary Practice', page 536, which I will read to the House :

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'Debate on supplementary and excess grants is restricted to the particulars contained in the estimates on which those grants are sought and to the application of the items which compose those grants; and the debate cannot touch the policy or the expenditure sanctioned, on other heads, by the estimate on which the original grant was obtained, except so far as such policy or expenditure is brought before the Committee by the items contained in the supplementary or excess estimates'.

This is the practice of the House of Commons, and it has been followed by my predecessors on more occasions than one.. I now rule that no questions of policy cannot be raised on supplementary demands for grants except to the extent indicated in the summary I have read".

That must give to the Hon'ble Members a very clear idea of the scope of the discussion involved in the Demands for Supplementary Grants. They can discuss the financial aspect of the grant, and they can also discuss any question of policy arising purely out of the sub-head under which the grant is moved. They cannot avail themselves of this opportunity to raise questions of policy which are covered under wider grants. Hon'ble Members need not have any complaint on this scope, because they will have tomorrow opportunities to discuss these questions, when the budget is taken up. I hope, therefore, Hon'ble Members will keep these remarks in view when they speak on the motions for "Supplementary Demands."

The issue raised in the particular cut standing against this demand is this to discuss certain aspects; thus the issue is not made clear. Under these circumstances I would request the House to consider the proposition. I can offer a fuller discussion on the subject if necessary, refer to the rules and Standing Orders and sections of the Act which we can have on this matter. I will first refer to section 28 of the Government of Cochin Act which refers to the annual financial statement of the Budget, to section 30 which says. " If in respect of any financial year further expenditure from the revenues of the State becomes necessary over and above the expenditure therefor authorised for that year, the Government shall place before the Legislative Council a supplementary statement showing the estimated amount of that expenditure, and the provisions of this Act relating to the Annual Financial Statement, shall apply to such supplementary statement". This is when we comes to the rules, Sir. The rules for the discussion of the annual budget are laid down in rules 51 to 56. There are no rules regarding a debate to be raised upon a demand for supplementary grant. During the general discussion of the budget or when the budget is passed and when a demand for supplementary grant is made for excess expenditure the sanction of the House for that excess expenditure is necessary. Two things are possible. The House may not agree to the excess expenditure; in that case the demand may be rejected or passed as the case may be. Or it may be that the demand is in excess; in that case the House can point out that the demand is in excess—that is what is referred to in the ruling I have just read out. A restricted reference may be made to the policy underlying the demand. Discussion as contemplated in the cut motions just now reached on the order paper is not permitted under the rules, and certainly not permitted under the ruling just now referred to.

Mr. President: What is the note of the Standing Finance Committee on this? Here it is. Has the Hon'ble Mover to say anything about it?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* If I am called upon, I will do it.

Mr. President: We are on the point of order regarding admissibility.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* The notes explaining the demand on which the cut is moved will have a bearing upon what I have to say. This is a defective note.

Mr. President: I am afraid that the cut motion is not admissible in the light of the ruling.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* The general aspect of the observations made by the first Minister of the State and the holding away in which reference to certain portions of the ruling read out, will tell us that cut motions on supplementary demands as such are not ruled out. There is a limited scope and that the province of cut motions in the field of supplementary demands is in a sense and applying that best under the very citation, I submit that this cut motion is perfectly in order, worded as it is and to disallow it as being out of order, it is not proper. Therefore the point of order raised is a point of order that has to be ruled out. The motion is this. For the demand that has been asked for, there is a note of the Standing Finance Committee with many lines of explanations which are not clear. Here under a newly started Department which began to function about the middle of Thulam 1122 because in sarching the budget I do not find any figure sanctioned by

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[Mr. P. Kumaran Ezhuthassan]

the Council. This is put down "41—Miscellaneous 8—Rent Control Measures". I find on page 175 of the Budget book Miscellaneous Head ending with sub-item 7. So under a sub-head which is not in the original budget book namely "41—Miscellaneous—8" an amount, it is said, has been sanctioned earlier. The department began to function by about the middle of Thulam is the point on which I want information. So, when was the amount sanctioned which precludes general discussion upon it. If a new item is brought forward here in the shape of..

Mr. President: Was it not in the Budget? Is that your contention?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* There is a statement here which I am not able to grasp. The Rent Controller's establishment began to function by about the middle of Thulam 1122 and an additional allotment of Rs. 6,447—0—0 was sanctioned for this department. The printed book does not refer to "8—Rent Control Measures". It is a mistey how a sub-head (8) might have been brought forward in one of the earlier sessions and as stated here in the guise of an additional allotment, I want information.

Mr. President: If I understand the Hon'ble Member correctly it is this. Since it is an item which is not in the Budget, the Hon'ble Member has a right to raise an objection.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* It is stated as an additional allotment. I shall like to know when it was granted and when the original allotment was made without discussions are possible at the time of the budget. The budget book supplied by the Government has not got this sub-head "8—Rent Control Measures". Therefore it is as good or it has got all qualities, qualifications and limitations of a new Budget demand. Therefore, a fuller debate is justified.

Mr. President: Is this an item newly introduced?

Mr. C. R. Iyyunni *(Minister for Revenue):* There is an additional allotment of Rs. 6,647 already sanctioned for this Department. If the Hon'ble Member concedes that an additional allotment of Rs. 6,447 was passed in a previous session of the Council at that time he could have raised his points. That is what I beg to submit. Now this is an additional allotment.

Mr. President: The point I want is this. Is this a new heading as stated by the Hon'ble Member?

Mr. C. R. Iyyunni *(Minister for Revenue):* No. At a previous session of the Council that allotment has been passed.

Mr. President: I have heard both sides. The motion is out of order.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I oppose the demand, for the reason the system of working of the rent control measures as now practised by the present rent control officer is something which is to be put an end to not atonce but even earlier than that if there is a process of doing so. That Sir, is the system of the present working of the rent control measures. To mention one thing only, there is a proclamation for this work. There were also two bills which were referred to a Select Committee and we do not know where it is now although a period of two months were given for their report. Many two months have passed away and the bills are not reported upon, or at least placed before this House for the purpose stated. And in the interim period a Proclamation on Rent Control Bill has been introduced. It is under the Proclamation, almost on these lines that the work is going on. One example of a glowing nature of the persons affected by the measures is this: The Rent Control Officer gives notice to the tenant or rather before him the landlord places a paper that A's rent is in arrears for so many months without hearing the tenant, who is charged as a defaulter. I know, Sir, cases, complaints have reached me as, A responsible worker of a Political Party that these are vagrries that the Rent Control Officers hoarding upon our heads. Can you find some relief. By the time the complaint reached me the question time was over.

Mr. P. Govinda Menon (*Minister for Food and Education*): Complaints go to the wrong man.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* The First Minister of the State ought to know better. My cuts are reaching very near to his person and his colleges and he therefore has become touchy but does not want to accept it, so he started earlier. The present working of the Rent Control Measures is not only defective but objectionable. That is the indentical word used in my cut motion. Whether a complaint reached a right man or wrong man, if it is not ruled that the first Minister of the State alone is the right man for conplaints to go, that he is the only men in Cochin, the only right man where complaints ought to go, I am sorry, Sir that the poor taxpayers not knowing the right man or wrong man sometimes came to me with their complaints, I am only opposing this demand to show that the working of the Rent Control

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Measures cause great hardshjp to the parties concerned. Who is frittering away the time of the House, Sir, is it the First Minister or myself?

Mr. Prseident: Order. The Hon'ble Member may continue.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I was saying that on the complaint of the landlord not often, almost always on the receipt of that, enquiry is not conducted to find out whether the allegations made by the landlord or the house owner against a suffering tenant. Without finding out these facts, without informing him and calling upon him to explain the correctness or otherwise of those charges, notice comes to him, not for explanation, but saying that he must surrender his house within so may days, otherwise a 5 fold or 10 fold rent is to be paid.

Mr. M. K. Raja *(Mulakunnathukavu)*: On a point of information, Sir. You have just now ruled that with regard to a supplementary grant a general discussion on the Policy of the Government should not form the subjecr matter of a cut motion. Now the Hon'ble Member's cut motion has been ruled out. Is it not an attempt an his part to by-pass your ruling? He is making observations of a general nature on the policy of the Government, nullifying the effect of the ruling. I submit that if he wants to oppose the cut motion he can do it. He will have to confine his remarks strictly to the points of the cut motion. Otherwise your ruling will have no effect at all.

Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*) : Clever. Clever.

Mr. President: The whole point is that the Hon'ble Member should be relevent.

Mr. K. Kumaran Ezhuthassan *(Vadakkancheri)*: Not; to be judged by the corners, but by the August Chair.

Mr. President: The Hon'ble Menber may continue.

Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*): I was not making general observations. I was making specific complaints, charges where the poor tenants have been served with notice of eviction. Are these general allegations? Am I expected to say the name of A or B who is the complainant? I am speaking on this specific charge, one alone of which I have mentioned here and there are a legion of them and the present working of the Rent Control Department and therefore.....

Mr. P. Govinda Menon *(Minister for Food and Education)*: Are you referring to the Food Control?

Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*): I said "Rent". You misunderstood it as "Food". I am on the Rent Control and the not proper way in which it is working and the hardship caused to the tenant and in the attempt to alleviate it I failed and therefore, I oppose that Government shall not be given this amount to work this department in the way in which it is working. I have stated my reasons. I oppose the demand.

Mr. President: The question before the House is that the Government be granted a sum of Rs. 649 under "41—Miscellaneous—8—Rent Control Measures—Establishment".

Mr. P. A. Muhammed Ashrof *(Cranganur)*: A Poll Sir.

Mr. President: A Poll is decided upon. 3 minutes allowed for any member who may come forward.

For

Messrs. P. A. Mohammed Ashrof.
K. K. Kannan.
Mrs. K. M. R. Menon.
Paramel Ipe Ipe.
K. T. Achyuthan.
M. K. Raja.
P. K. Paul.
V. R. Krishnan Ezhuthassan.
Choudhury G. S. Dhara Singh
Rao Bahadur T. K. Nayar.
K. S. Raghavan.
Rao Sahib A. Madhava Prabhu.
K. Govinda Menon.

Messrs. K. Kochukuttan.
K. S. Panicker.
P. K. Dewer.
K. I. Velayudhan.
P. Narayana Menon.
P. T. Jacob.
P. Sankara Menon.
P. Mani.
P. Govinda Menon.
Rao Sahib K. Ayyappan.
M. Sivarama Menon.
Paul P. Mampilli.

Against

Mr. P. Kumaran Ezhuthassan.

There are 26 persons for the Motion and only 1 against the motion.

The Demand is carried

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